

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
RICHARD S. GINN and W. MARTIN) Previous Group Art Unit: 3731
BELEF) Previous Examiner: Jessica R. Baxter
Serial No.: Not Yet Assigned)
Filed: Herewith (September 23, 2003))
For: Apparatus and Methods for Positioning)
A Vascular Sheath)

INFORMATION DISCLOSURE STATEMENT

MAIL STOP IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. The items are listed on the attached form PTO-1449. This is a continuation application and the items identified in this application were previously submitted under Application Serial No. 09/680,837 filed on October 6, 2000. Thus, no copies of the cited references are enclosed.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the MAIL STOP IDS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail No.: EV 339738373 US
Date of Deposit: September 23, 2003

Lynne Fulmer
Lynne Fulmer

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required. Thus, no copies of the cited references are enclosed.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

A check in the amount of _____ is enclosed for the above fee(s).

Please charge \$0.00 to Deposit Account No. 150665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe LLP's Deposit Account No. 150665.

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

Dated: September 23, 2003

By:



James W. Geriak
Reg. No. 20,233

FORM PTO-1449

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT**
(Use several sheets if necessary)

ATTY. DOCKET NO.

701879.4009

SERIAL NO.

Not Yet Assigned

APPLICANT:

Richard S. Ginn and W. Martin Belef

FILING DATE:

Herewith (9/23/2003)

GROUP:

Not yet assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		1,596,004	8/17/26	Bengoa			
		4,162,673	7/31/79	Patel			
		4,215,699	8/5/80	Patel			
		4,961,729	10/9/90	Vaillanocurt			
		5,217,024	6/8/93	Dorsey, et al.			
		5,226,908	7/13/93	Yoon			
		5,383,896	1/24/95	Gershoney, et al.			
		5,413,571	5/9/95	Katsaros, et al.			
		5,431,639	7/11/95	Shaw			
		5,437,631	8/1/95	Janzen			
		5,507,744	4/16/96	Tay, et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

		PCT Publication No. WO 00/07640, Steven J. Tallarida, "Vascular Suction Cannula, Dilator and Surgical Stapler", February 17, 2000.

DOCSOC1:142292.1
701879-1 J2C
EXAMINER:
Not yet assigned

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant